



Board of Administration

Agenda Item 9a7

November 15, 2018

Item Name: Proposed Decision – In the Matter of the Calculation of Final Compensation of SHERRY L. MATA, Respondent, and CORONA-NORCO UNIFIED SCHOOL DISTRICT, Respondent.

Program: Employer Account Management Division

Item Type: Action

Parties' Positions

Staff argues that the Board of Administration should adopt the Proposed Decision, as modified.

Respondent Sherry L. Mata's (Respondent Mata) position is included in Attachment C, if any.

Respondent Corona-Norco Unified School District's (Respondent CNUSD) position is included in Attachment C, if any.

Strategic Plan

This item is not a specific product of either the Strategic or Annual Plans. The determination of administrative appeals is a power reserved to the Board of Administration.

Procedural Summary

Respondent Mata and Respondent CNUSD jointly appealed CalPERS' determination to exclude certain salary paid to Respondent Mata that originated from the conversion of health and welfare and other fringe benefits to salary, from the calculation of her final compensation. The matter was heard by the Office of Administrative Hearings on July 12, 2018. A Proposed Decision was issued on September 7, 2018, affirming CalPERS' determination and denying the appeal.

Alternatives

- A. For use if the Board decides to modify and adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, pursuant to Government Code section 11517 (c)(2)(C) which authorizes the Board to "make technical or other minor changes in the proposed decision," hereby modifies the Proposed Decision, by changing the word "situation" to "situated" on page three, paragraph

two, of the Proposed Decision; by changing the word “publically” to “publicly” on page three, paragraph three, and page six, paragraph six, of the Proposed Decision; by changing “specially” to “specifically” on page fifteen, paragraph ten of the Proposed Decision; by changing the term “conversations” to “conversions” on page 15, paragraph 10 of the Proposed Decision; and by changing the term “compensable earnings” to “compensation earnable” on page fifteen, paragraph ten of the Proposed Decision, and hereby adopts as its own Decision the Proposed Decision dated September 7, 2018, as modified, concerning the appeal of Sherry L. Mata; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

B. For use if the Board decides to adopt the Proposed Decision as its own Decision:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System hereby adopts as its own Decision the Proposed Decision dated September 7, 2018, concerning the appeal of Sherry L. Mata; RESOLVED FURTHER that this Board Decision shall be effective 30 days following mailing of the Decision.

C. For use if the Board decides not to adopt the Proposed Decision, and to decide the case upon the record:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated September 7, 2018, concerning the appeal of Sherry L. Mata, hereby rejects the Proposed Decision and determines to decide the matter itself, based upon the record produced before the Administrative Law Judge and such additional evidence and arguments that are presented by the parties and accepted by the Board; RESOLVED FURTHER that the Board's Decision shall be made after notice is given to all parties.

D. For use if the Board decides to remand the matter back to the Office of Administrative Hearings for the taking of further evidence:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, after consideration of the Proposed Decision dated September 7, 2018, concerning the appeal of Sherry L. Mata, hereby rejects the Proposed Decision and refers the matter back to the Administrative Law Judge for the taking of additional evidence as specified by the Board at its meeting.

E. Precedential Nature of Decision (two alternatives; either may be used):

1. For use if the Board wants further argument on the issue of whether to designate its Decision as precedential:

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System requests the parties in the matter concerning the appeal of Sherry L. Mata, as well as interested parties, to submit written argument regarding whether the Board's Decision in this matter should be designated as precedential, and that the Board will consider the issue whether to designate its Decision as precedential at a time to be determined.

2. For use if the Board decides to designate its Decision as precedential, without further argument from the parties.

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System, hereby designates as precedential its Decision concerning the appeal of Sherry L. Mata.

Budget and Fiscal Impacts: Not applicable

Attachments

Attachment A: Proposed Decision

Attachment B: Staff's Argument

Attachment C: Respondents' Argument

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Customer Services and Support